



Clean Energy Future Committee Meeting Minutes

Approved at the October 23, 2020 meeting

September 25, 2020

8:00 – 9:30 a.m.

Virtual Meeting – Hosted on Zoom

Members present: Jim DiTullio, Ken Pruitt, Dave Levy, Marc Breslow, Emily Sullivan, Coralie Cooper, Shelly Dein, Adam Chapdelaine, Pasi Miettinen, Nellie Aikenhead, Dianne Mahon (New member representing the Select Board)

Also attending: Jennifer Raitt, Eugene Benson, Amos Meeks, Patrick Hanlon, Anne Wright

Members not present: Ryan Katofsky, Dan Amstutz

The meeting convened at 8:04 a.m.

Video Meeting Procedures

Mr. Pruitt read a set of prepared remarks explaining the procedures that the Committee would follow to hold a virtual meeting. Governor Baker signed an Executive Order in response to the COVID-19 pandemic allowing virtual meetings, which suspended the usual Open Meeting Law requirement that a quorum of committee members be physically present in order to hold an official committee meeting.

Meeting Minutes

Mr. Pruitt displayed the Minutes from the August 28th Meeting. Mr. Pruitt noted Committee member Emily Sullivan flagged a typo that he would correct. The Committee did not have any other suggested edits. Ms. Mahon moved to approve the minutes and Mr. Miettinen second the motion. No further discussion occurred. A roll call vote was taken. The Minutes were unanimously approved with two abstentions (Ms. Mahon and Ms. Sullivan).

Discussion with Patrick Hanlon, Anne Wright, and Amos Meeks of Clean Heat for Arlington about a planned Town Meeting home rule resolution to replace the former fossil fuel bylaw warrant article

Mr. Pruitt noted that the discussion would focus on a proposed home rule petition asking for the Massachusetts legislature to pass special legislation granting Arlington the authority to prohibit new natural gas hookups for new construction and major renovations. Such permission through special legislation (which would be requested by

the home rule petition) is necessary since the Attorney General struck down a very similar bylaw enacted by the Town of Brookline, and upon which Arlington modeled its own draft bylaw.

Mr. Hanlon provided an overview of the changes to the proposed Warrant Article to make it a home rule petition. He noted that the proposed language is not yet available.

Mr. Hanlon reviewed the originally drafted Warrant Article, which was short (less than half a page) and had been approved by the Select Board in March. He then moved on to the draft bylaw, which would have been up for a vote at the originally planned Annual Town Meeting in April, before that meeting was postponed due to the COVID-19 pandemic and most warrant articles were deferred to a later Town Meeting to shorten the Annual Town Meeting. He explained the bylaw's provisions. He then provided an overview of the exemptions, pointing out why various exemptions would be important, including for centralized hot water in multi-unit housing, and research and development facilities.

Mr. Hanlon explained that, after the Attorney General rejected Brookline's fossil fuel bylaw as conflicting with state law, it became clear that Arlington's proposed bylaw would almost certainly face the same fate. He noted that the Attorney General was sympathetic to the purpose of Brookline's bylaw but ruled that state laws required uniformity of gas and building regulation across the state. For this reason, Clean Heat for Arlington, working with the Town Manager, Town Counsel and Select Board, is in the process of converting the former warrant article into a home rule petition.

Mr. Pruitt thanked Mr. Hanlon for his presentation. He noted that the Committee endorsed the warrant article that was approved by the Select Board in March. Mr. Pruitt asked Mr. Hanlon to confirm that the substance of the new proposed warrant article would be very similar to the warrant article approved in March. Mr. Hanlon confirmed this was the case.

Ms. Cooper asked Mr. Hanlon if the home rule petition would effectively constitute a waiver of existing state laws. Mr. Hanlon stated it would not be a waiver, but rather special legislation that would apply specifically to Arlington and grant Arlington the ability to restrict fossil fuels in new construction and major renovations.

Mr. Miettinen asked if other towns were working on similar home rule petitions. Mr. Hanlon stated yes and that Ms. Wright would discuss that further in the next part of the presentation.

Mr. Breslow asked Mr. Hanlon to clarify whether this kind of home rule petition is unusual. Mr. Hanlon said that it was somewhat unusual because municipal home rule petitions usually deal with questions of municipal charters or the structure of a municipal government, whereas this home rule petition would exempt Arlington from parts of state laws.

Ms. Wright provided an overview of the ways Clean Heat for Arlington worked on various efforts to promote engagement on this article and the surrounding policy. She

then noted that members of various towns across the state are now working on similar efforts. She described that cities, unlike towns, could enact such a law given their governmental structure, without Attorney General review (although city ordinances can be struck down via lawsuit). Ms. Wright then explained that Brookline was to consider an additional Town Meeting warrant article in the form of a non-binding resolution in favor of state action to phase-out fossil fuels. While she noted that it was non-binding, it would help with education of the issue and hopefully raise awareness at the state level for enacting laws that would transition Massachusetts away from the combustion of fossil fuels.

Mr. Pruitt then asked for questions. Mr. Breslow asked if the home rule petition, if passed by Arlington Town Meeting, was likely to be enacted by the Massachusetts legislature. Mr. Hanlon said he thought it was unlikely but still worth pursuing, and that the goal was not for Arlington and a few other communities to have the authority to regulate fossil fuel heating. Rather, the goal is to create enough pressure that the legislature is compelled to change state law allowing all municipalities to have the authority to regulate fossil fuel use.

Mr. Pruitt asked the Committee whether it was willing to maintain its endorsement of the fossil fuel warrant article, even though it had now morphed into a home rule petition, or whether another vote was desired. There was consensus that the committee was still in favor of the warrant article and no new vote was needed.

Discussion on new GHG mitigation measure for the Net Zero Plan

Mr. Pruitt reminded the Committee that it endorsed essentially all measures in the Net Zero Roadmap at its August 28 meeting. He noted that a new measure had been suggested by Gene Benson at that meeting, and that the Committee had asked to have the buildings working group flesh it out for consideration at today's meeting. The proposed measure asks the Town to consider establishing policies that minimize greenhouse gas emissions associated with Town contracts for services, and when selling Town land.

Mr. Levy asked for clarification on whether the measure called for hard mandates or more soft incentives or preferences. Mr. Pruitt noted the working group originally considered hard mandates but backed off of them. He also explained that, if adopted, the CEFC would work with other Town committees and departments to help craft the various policies that would be adopted.

Ms. Cooper, a member of the buildings working group, added that there are procurement requirements that may conflict with hard mandates.

Ms. Dein, also a member of the buildings working group, noted that the Town has other priorities in addition to net zero, so we need to be careful when writing policies that require or incentivize net zero. For example, would we want a Town building sold to a developer who plans to build net zero but expensive luxury apartments instead of highly energy efficient but not quite net zero apartments that are affordable?

Mr. Breslow noted that there is an existing Town policy that mandates the purchase of the most fuel efficient vehicles practicable, and offered that this new GHG mitigation measure could use similar language. Mr. Pruitt noted that this mitigation measure could be used as the impetus to create a wide range of policies that address all aspects of Town operations.

Mr. Benson said that he had envisioned this mitigation measure as addressing three areas. First, when contracting for goods and services, the Town should contract for goods with the least amount of GHG as possible. Second, the town should advocate with the Metropolitan Area Planning Council (MAPC) to procure low GHG emissions goods and services on behalf of its members. Third, when the Town sells property, it should require or strongly incentivize proposals for net zero construction.

Mr. Levy asked Mr. Benson to clarify how his proposal regarding land development would be implemented. Mr. Benson outlined two ways to approach the policy. One was to give extra points in any RFP to a proposal for net zero construction. Another way would be to require net zero proposals in the first round of solicitation, but then relax that requirement in a second round of solicitation if no suitable net zero proposals were received in the first round.

Mr. Pruitt asked the Committee to weigh-in on the basic question of whether this policy would involve hard mandates vs. incentives. Mr. Miettinen noted that if the current, incentive-focused language is approved, it would green light the Committee to then work with various town departments to come up with individual policies, which could potentially be very strong.

Mr. Breslow lobbied for strengthening the language. Mr. Levy noted he supported Mr. Miettinen's thinking on this but asked for Mr. Benson's thoughts as well. Mr. Miettinen added that the buildings working group had a very difficult time coming up with stronger language because there are so many variables when considering the full range of potential Town policies.

Mr. Pruitt then noted that this Committee will be the committee implementing the Net Zero Plan, so it could interpret this mitigation measure as strictly as it wished.

Mr. Benson offered some small edits to the measure to further strengthen it, while leaving flexibility in implementation. Mr. Breslow stated his agreement with Mr. Benson's proposed changes.

Mr. Levy made a motion to approve the language as edited by Mr. Benson. Ms. Mahon seconded the motion. A roll call vote was taken. The Committee unanimously approved the measure as amended, and it will be added to the Net Zero Roadmap.

Mr. Pruitt noted that Ms. Cooper, in an email shortly before this meeting, had asked to discuss a potential measure addressing freight trucks. Ms. Cooper said that, after re-reading the Mobility measures in the Roadmap, she was satisfied that her proposed language was already included in the Roadmap.

Ms. Mahon moved to adjourn. Mr. Levy seconded the motion. A roll call vote was taken. The Committee unanimously approved the motion to adjourn.

The Meeting ended at 9:20am. The next meeting will occur on October 23, 2020.

Submitted by Dave Levy.